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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant: Berman et al.
Serial Number: 10/668,021
Filed: 2003.09.22
Title: Pad Conditioner Setup
Examiner: Maurina T. Rachuba
Group Art Unit: 3723
Attorney Docket: 03-0915

APPLICANTS' REPLY BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O Box 1450
Alexandria VA 22313-1450


Via Fax at 1.703.872.9306

Sir:

Applicants hereby submit this reply brief in response to the examiner's answer of 2005.10.29. The Commissioner is authorized to charge whatever fee may be associated with the filing of this reply brief, and any other fees required such as extensions of time, to the LSI Logic Corporation deposit account number 12-2252.

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office in accordance with § 1.6(d) on the date below.

2005.10.31
Date


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REPLY TO EXAMINER'S ANSWER

The examiner states on page 4 of her answer that "even if the contact is only the force of gravity, there is a pressure applied between the conditioner and the pad. Therefore, the conditioner must be a 'pressure related component.'" Applicants assert that this statement is a good example of the overly broad interpretation given by the examiner for the phrase "pressure related component." By the definition provided above, the screws used to hold the polisher together are considered pressure related components, because they exert pressure between the elements that they secure. Further, the feet of the polisher are also pressure related components, because they resist the gravitational forces between the floor and the mass of the polisher. So to are any number of other components that *could be* mounted to the polisher of Lin, *but are not*. However, while these examples fit within the interpretation of the phrase "pressure related components" as provided by the examiner, applicants assert that none of the examples are reasonably contemplated by the phrase as used by Lin, and that Lin, therefore, does not disclose such things with use of the phrase "pressure related components."

The examiner quotes Lin on page 5 of her answer with "the pressure distribution data on the pressure related components are systematically *contrasted and analyzed* in order to suitably modify the pressure related components" (emphasis retained from examiner's quotation). The examiner further quotes "the digitized pressure distribution data of the pressure related component is further *simulated and analyzed* by a microprocessor with fuzzy-contrasting and feedback-loop analysis methods" (emphasis retained from examiner's quotation). Finally, the examiner quotes "new pressure related components can be designed, and *sets* of input parameter guidelines can thus be established" (emphasis retained from examiner's quotation).

The words "contrasted," "analyzed," "simulated," and "sets" appear to be emphasized by the examiner in the quoted portions above to underscore support for the examiner's assertion that the impression as described by Lin is compared to a database of scanned and digitized impressions, which the applicants dispute. Lin never states that the impressions are compared to a database of scanned and digitized impressions. Lin states that the data is systematically contrasted and analyzed. However, the word "contrasted"

as used by Lin does not be “compared.” Rather, it means that the contrast of the data is enhanced, as made clear by Lin’s description of the use of fuzzy-contrasting, which is a data granularity enhancement method for a given data set, and not a method for comparing one data set to another. Further, establishing “sets of input parameter guidelines” does not indicate that sets of historical data are even created, let alone compared to the currently generated data. Further, one can simulate and analyze a data set without comparing it to a database of other data sets. Applicants again assert that the examiner has impermissibly and erroneously broadened the language of Lin in this regard.

The examiner asserts that the only reasonable interpretation of Lin is that the data collected from the film is compared to previously gathered data. However, there are other interpretations that are more reasonable, given that it would have been easy for Lin to have said at some point that he compared the data to historical data sets, if that was indeed what he did. Applicants assert that the very fact that this point could be in dispute after a careful reading of Lin tends to negate that this is a reasonable interpretation, let alone “the only reasonable interpretation.”

As an alternative, applicants offer that it is extremely common to compare data to an artificially constructed and desired standard, such as a specified level of uniformity. Such a comparison does not require a historical database at all. There is nothing in Lin that makes this possible interpretation any less reasonable than that proposed by the examiner. However, regardless of speculation by either the examiner or the applicants, Lin does not describe any comparison of the data at all, be it to a standard or to historical data, and thus the examiner’s interpretation of Lin is impermissibly broad.

The examiner asserts on page 6 that any data collected by the method disclosed by Lin is inherently associated with the conditions of the polisher at the time the data is collected. Once again, applicants assert that the examiner is claiming that something is “inherent” without any evidence that it even exists. Applicants assert that data is often collected within any association with the conditions at the time of its collection. However, as support for this assertion, the examiner states that “the amount of pressure applied” is a condition of the polisher at the time the impression was made. However, “the amount of pressure applied” is not a condition of the polisher that is associated with

the data, "the amount of pressure applied" is the data itself – the very thing that is being recorded. The fact that the pressure is a condition of the polisher does not somehow remove it from its special standing as the primary data set, and make it something that can be associated with itself. Thus, the examiner has not pointed to anything in Lin that describes associating conditions of the polisher with scanned and digitized impressions.

CONCLUSION

In light of the deficiencies of the arguments described above and in the Appeal Brief already filed, claims 1-9 and 19-20 should be allowed and the rejections to these claims reversed.

Sincerely,

LUEDEKA, NEELY & GRAHAM, P.C.

By: 

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